

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:18-CR-51-D**

UNITED STATES OF AMERICA,
v.
FRANKLIN ANTONIO RIOS,
Defendant.

ORDER

On October 3, 2022, Franklin Antonio Rios (“Rios” or “defendant”) filed a renewed motion for compassionate release [D.E. 194]. On September 19, 2022, however, Rios appealed this court’s decision denying his motion for compassionate release [D.E. 190]. By appealing this court’s order of September 2, 2022, Rios divested this court of jurisdiction. See, e.g., Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982) (per curiam); United States v. Sanders, No. 1:17-CR-29-HAB, 2020 WL 3268492, at *1 (N.D. Ind. June 17, 2020) (unpublished); United States v. Watts, No. CR 16-104, 2020 WL 3036545, at *2 (M.D. La. June 5, 2020) (unpublished); United States v. Belton, No. 5:18-CR-113-FL-1, 2020 U.S. Dist. LEXIS 75837, at *2 (E.D.N.C. Apr. 29, 2020) (unpublished). Thus, the court DISMISSES WITHOUT PREJUDICE defendant’s renewed motion for compassionate release [D.E. 194].

SO ORDERED. This 6 day of January, 2023.


JAMES C. DEVER III
United States District Judge